

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3404-04
Bill No.: Truly Agreed to and Finally Passed SCS for HB 841
Subject: Boats and Watercraft; Entertainment; Sports and Amusements; Parks and Recreation.
Type: Original
Date: May 17, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Section 306.114: Portable chemical test;

In response to HB 1258 from this year, officials from the **Office of the State Courts Administrator** and the **Department of Public Safety** - Divisions of **Capitol Police**, **State Water Patrol** and **State Highway Patrol** each assumed the proposal would not fiscally impact their respective agencies.

In response to HB 1258 from this year, officials from the **Office of the State Public Defender (SPD)** stated this proposed legislation will allow law enforcement officers to administer portable chemical tests prior to arrest to persons suspected of operating a vessel while intoxicated. The exact number of cases affected is too uncertain to provide a definitive dollar amount of fiscal impact. Nevertheless, there will be some impact.

Since the amount of impact is so uncertain, the SPD cannot assume existing staff will be able to provide representation in these cases. However, once the true impact is determined, the SPD will reassess the impact of this legislation. Passage of more than one bill increasing existing penalties, or creating new crimes, will require increased appropriations for the SPD.

ASSUMPTION (continued)

In response to HB 1258 from this year, officials from the **Office of Prosecution Services** assumed prosecutors could absorb any costs arising from this proposal with existing resources.

Oversight assumes this proposal gives POST certified law enforcement officers the authority to administer portable chemical tests and does not require the state or local law enforcement officers to utilize them. Oversight assumes the proposal would have no fiscal impact to state or local agencies.

Section 306.325: Glass containers on watercraft;

Officials from the **Department of Public Safety - State Water Patrol** and **Missouri Gaming Commission** each assume the proposal would not fiscally impact their respective agencies.

Officials from the **Department of Conservation (MDC)** state this proposal would have some fiscal impact from participation by conservation agents in enforcement and prosecution, incidental to their other duties.

In response to a similar proposal from a previous session, MDC officials assumed that they could absorb these costs with existing resources; therefore, **Oversight** assumes that MDC would not be fiscally impacted by this proposal.

In response to a previous version of this proposal, officials from the **Office of Prosecution Services** stated any costs arising from the proposal could be absorbed with existing resources.

Officials from the **Office of the State Public Defender (SPD)** state the proposal prohibits the use of glass containers on vessels in navigable waterways creating new crimes. New crimes create new cases for the SPD. The exact number of cases affected is too uncertain to provide a definitive dollar amount of fiscal impact. Nevertheless, there will be some impact.

Since the amount of impact is so uncertain, the SPD cannot assume existing staff will be able to provide representation in these cases. However, once the true impact is determined, the SPD will reassess the impact of the legislation. Passage of more than one bill increasing existing penalties, or creating new crimes, will require increased appropriations for the SPD.

Officials from the **Office of the State Courts Administrator (CTS)** state depending on the degree of enforcement, there could be a significant impact on courts near these waterways, but

CTS is unable to make a specific estimate at this time.

ASSUMPTION (continued)

In response to a similar proposal from a previous session, CTS officials assumed the proposal would not fiscally impact their agency, therefore, **Oversight** assumes that CTS would not be fiscally impacted by this proposal.

Officials from the **Department of Natural Resources (DNR)** state their Division of State Parks does not have authority on the state's navigable waterway. In the event that DNR needed to transport food, beverage or refuse material using navigable waterways by vessel it is assumed this would be accomplished in compliance with the proposed legislation. Therefore, DNR would not anticipate any fiscal impact as a result of this legislation.

Officials from the **Department of Corrections (DOC)** state that they could not predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, DOC would incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender).

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it was assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
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\$0

\$0

\$0

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal allows any law enforcement officer certified pursuant to Chapter 590, RSMo, to administer a portable chemical test to any person suspected of operating a vessel while intoxicated. The results of the tests will be admissible as evidence of probable cause and as exculpatory evidence, but will not be admissible as evidence of blood alcohol content

The proposal also prohibits food or beverage containers made of glass from being transported on the waters of the state in watercraft such as canoes, kayaks, or inner tubes which are susceptible to swamping or tipping. Persons carrying appropriately packaged beverages or food on the waters of the state in these watercraft are required to use a cooler, icebox, or other non-glass container which floats. Containers are to be sealed and carried affixed to the watercraft. All trash is to be lawfully disposed. Persons with glass containers shall safely secure them to protect from breakage or discharge into any stream.

Violations of the provisions of this proposal are class C misdemeanors.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Department of Natural Resources
Department of Conservation
Office of the State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
Department of Corrections

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A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
May 17, 2004